

1 JASON M. FRIERSON  
2 United States Attorney  
3 Nevada Bar No. 7709  
DANIEL R. SCHIESS  
3 Assistant United States Attorney  
Nevada Bar No. 5483  
4 501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101  
5 Telephone: (702) 388-6336  
[dan.schiess@usdoj.gov](mailto:dan.schiess@usdoj.gov)

6 *Attorney for the United States*

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8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9

10 UNITED STATES OF AMERICA,

Case Nos: 2:12-cr-0010-JAD-CWH  
2:13-cr-0062-JCM-PAL

11 Plaintiff

12 vs.

13 KEVIN A. SALISBURY,

**ORDER FOR PRE-HEARING  
PSYCHIATRIC OR  
PSYCHOLOGICAL EVALUATION**

14 Defendant

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16 Petitions for violations of conditions of supervised release have been submitted to  
17 the Court in two cases against defendant Kevin A. Salisbury: *United States v. Kevin Salisbury*,  
18 2:12-cr-0010-JAD-CWH, and *United States v. Kevin Salisbury*, 2:13-cr-0062-JCM-PAL. A  
19 hearing was held on August 2, 2023, to address the petitions in both cases. At the outset of  
20 the hearing, government counsel moved orally under 18 U.S.C. § 4241 for an order for a  
21 Pre-hearing Psychiatric or Psychological Examination in both cases. The Court heard  
22 arguments from counsel for both parties and received defense counsel's agreement that the  
23 motion should be granted based on a recent, marked decline in the defendant's demeanor  
24 and apparent mental state that has left him unable to assist counsel in his own defense.

1 Based upon the representations of counsel for the government and the defendant, and also  
2 based on the representations of the U.S. Marshals who reported to the court that the  
3 defendant was refusing to allow himself to be brought into the courtroom for this hearing  
4 and that ordering the U.S. Marshals to bring him in despite his protests would create a  
5 safety risk for everyone, the Court found reasonable cause to believe that defendant  
6 Salisbury may presently be suffering from a mental disease or defect rendering him  
7 mentally incompetent to the extent that he is unable to understand the nature and  
8 consequences of the proceedings or to meaningfully assist in his own defense to the extent  
9 that he should be evaluated to determine whether he is competent to proceed with a  
10 supervised release revocation hearing and assist in his own defense, the Court granted the  
11 motion in open court. This written order follows.

12 IT IS THEREFORE ORDERED under 18 U.S.C. 4247(b) that, unless  
13 impracticable, the United States Marshal's Service must transport defendant Salisbury  
14 forthwith to a Bureau of Prisons ("BOP") facility closest to the Court that has the capability  
15 to conduct psychiatric or psychological examinations to determine under 18 U.S.C.  
16 § 4241(a) whether the defendant is presently suffering from a mental disease or defect  
17 rendering him mentally incompetent to the extent that he is unable to understand the  
18 nature and consequences of the proceedings against him or to assist properly in his own  
19 defense;

20 IT IS FURTHER ORDERED that the defendant shall be committed to the  
21 appropriate BOP facility for a reasonable amount of time, not to exceed 30 days, for the  
22 purpose of conducting that psychiatric or psychological examination. The director of the  
23 facility may apply for a reasonable extension of time, not to exceed 15 days, upon a  
24

1 showing of good cause that the additional time is necessary to observe and examine the  
2 defendant. 18 U.S.C. § 4247(b).

3 IT IS FURTHER ORDERED that the examination must be conducted by a  
4 licensed or certified psychiatrist or psychologist, who will prepare a psychiatric or  
5 psychological report, filed with the court and with copies to counsel for the defendant and  
6 the government. 18 U.S.C. §§ 4247(b) and (c). The report must include:

- 7 1. The defendant's history and present symptoms;
- 8 2. A description of the psychiatric, psychological, and medical tests that  
9 were employed and their results;
- 10 3. The examiner's findings;
- 11 4. The examiner's opinions as to diagnosis, prognosis, and whether  
12 defendant Salisbury is suffering from a mental disease or defect rendering  
13 him mentally incompetent to the extent that he is unable to understand the  
14 nature and consequences of the proceedings against him or to assist properly  
15 in his defense.

16 18 U.S.C. § 4247(c)(1)-(4)(A).

17 IT IS FURTHER ORDERED that the parties appear for a Status Conference on  
18 December 18, 2023 at 10:00 a.m.

19 DATED this 8th day of August, 2023.

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21   
22 JENNIFER A. DORSEY  
23 United States District Judge  
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